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PARK, VAUGHAN & FLEMING LLP
508 SECOND STREET
SUITE 201
DAVIS, CA 95616

EXAMINER	
SCHLAIFER, JONATHAN D	
ART UNIT	**PAPER NUMBER**
2178	9

DATE MAILED: 04/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/513,439	AMBROZIAK, JACEK R.	
	Examiner	Art Unit	
	Jonathan D. Schlaifer	2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 March 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4,6-14,16-24 and 26-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,6-14,16-24 and 26-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communications: Request for Continued Examination filed on 3/18/2004.
2. Claims 1-4, 6-14, 16-24, and 26-30 are pending in the case. Claims 1, 11, and 21 are independent claims. Claims 1, 11 and 21 have been amended.
3. The rejection of Claims 1, 11, and 21 under 35 U.S.C. 103(a) as being unpatentable over Windhouwer et al. and Massarani has been withdrawn as necessitated by the amendment.

Claim Objections

4. Claim 1, objected to because of the following informalities: On line 10 of the claim "canb e" should be "can be". Appropriate correction is required.
5. Claim 11, objected to because of the following informalities: On line 12 of the claim "canb e" should be "can be". Appropriate correction is required.
6. Claim 21, objected to because of the following informalities: On line 13 of the claim "canb e" should be "can be". Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. **Claims 1 and 11 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Windhouwer et al. ("Acoi: A System for Indexing Multimedia Objects", November 1999, from applicant's IDS), hereinafter Windhouwer, further in view of Claussen et al. (USPN 6,675,354 B1—filing date 11/18/1999), further in view of Massarani (USPN 6,336,117 B1—filing date 4/30/1999)**
2. **Regarding independent claim 1,** Windhouwer discloses a method for generating an index to facilitate searching through text within a document based upon an index stylesheet associated with the document (in Figure 2, on page 5 of the document, Windhouwer reveals a process by which XSL, a stylesheet language is used to process input so that it may be stored in an indexing database. Furthermore, on page 6, Windhouwer describes how XML documents which have been preprocessed can be transformed using templates into scripts which serve as inputs for an index database). Windhouwer clearly discloses a step of receiving the document to be indexed at the top of Figure 2 on page 5, and the step of the XSL processor necessarily involves parsing the document to produce a parsed document, the item on the figure of receiving instructions from the XSL insert templates clearly constitutes retrieving instructions for creating the index for the document from the index stylesheet associated with the document, and the step of feeding the MIL scrip into the Monet database of indexes constitutes creating the index for the document by transforming the parsed document in a manner that is specified by the instructions retrieved from the index stylesheet. Windhouwer fails to disclose that the index stylesheet specifies a plurality of tokenizing instructions, and wherein different sets of tokenizing instructions can be used to tokenize different portions of the document.

However, Claussen, in the Abstract, lines 6-8 states that XSL stylesheets are used and then goes on in col. 5, lines 45-67, and col. 6, lines 1-6 to describe how the stylesheet contains tokenizing instructions which are JSP or ASP symbols (col. 5, line 61). The purpose of this is to turn to the stylesheet into smaller, more meaningful units for further processing. It would have been obvious to one of ordinary skill in the art at the time of the invention to use the tokenizing variety of stylesheet described in Claussen in conjunction with Windouwer in order to turn to the stylesheet into smaller, more meaningful units for further processing. Further, Windhouwer fails to disclose a method wherein the index stylesheet specifies sections of the document to skip in creating the index for the document. However, Massarani discloses, in col. 8, lines 52-54 altering an indexing process to skip indexing sites that match an exclusion pattern in order to facilitate the efficient processing of a site indexing system. This would have been analogous art because indexing is occurring in both Massarani's work and the present invention. It would have been obvious to one of ordinary skill in the art at the time of the invention to use Massarani's teachings and employ a method wherein the index stylesheet specifies sections of the document to skip in creating the index for the document in order to improve search efficiency.

3. **Regarding independent claim 11,** it is a computer-readable storage medium storing instructions that encode the method of claim 1 and is rejected under similar rationale.
4. **Regarding independent claim 21,** it is an apparatus that executes the method of claim 1 and is rejected under similar rationale.

5. **Claims 2-3 and 12-13 and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Windhouwer, further in view of Claussen, further in view of Massarani, further in view of Nielsen (USPN 5,899,975—filing date 4/3/1997)**

6. **Regarding dependent claim 2,** Windhouwer, Claussen and Massarani fail to disclose a method wherein retrieving the index stylesheet involves retrieving the index stylesheet across a network from a remote address. Nielsen, in col. 5, lines 60-67 and col. 6, lines 1-4 describes that in the invention "Stylesheets may also be local or remote", and it may be inferred that an advantage of offering access to remote stylesheets is that it offers access to a broader range of stylesheets. Hence, it would have been obvious to one of ordinary skill in the art at the time of the invention to follow the teachings of Nielsen to develop a method wherein retrieving the index stylesheet involves retrieving the index stylesheet across a network from a remote address in order to offer access to a broader range of stylesheets.

7. **Regarding dependent claim 3,** Windhouwer, Claussen and Massarani fail to disclose a method wherein the index stylesheet is appended to the document. However, Nielsen, in col. 6, lines 5-12, describes how stylesheets may be integrated with documents into a single file in order to facilitate presentation of the document. Hence, it would have been obvious to one of ordinary skill in the art at the time of the invention to follow the teachings of Nielsen to develop a method wherein the index stylesheet is appended to the document in order to facilitate presentation of the document.

8. **Regarding dependent claim 12,** it is a computer-readable storage medium storing instructions that encode the method of claim 2 and is rejected under similar rationale.

9. **Regarding dependent claim 13,** it is a computer-readable storage medium storing instructions that encode the method of claim 3 and is rejected under similar rationale.
10. **Regarding dependent claim 22,** it is an apparatus that executes the method of claim 2 and is rejected under similar rationale.
11. **Regarding dependent claim 23,** it is an apparatus that executes the method of claim 3 and is rejected under similar rationale.
12. **Claims 4 and 14 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Windhouwer, further in view of Claussen, further in view of Massarani, further in view of Burrows (USPN 6,067,543—filing date 8/18/1998)**
13. **Regarding dependent claim 4,** Windhouwer, Claussen and Massarani fail to disclose a method further comprising making the index available to a search engine so that the search engine is able to scan through the index. However, Burrows' invention describes the use of an index with a search engine in col.4, lines 3-19, and the motivation of using the search engine is to identify relevant pages on the Web. It would have been obvious to one of ordinary skill in the art at the time of the invention to follow the teachings of Burrows to develop a method further comprising making the index available to a search engine so that the search engine is able to scan through the index to identify relevant pages on the Web.
14. **Regarding dependent claim 14,** it is a computer-readable storage medium storing instructions that encode the method of claim 4 and is rejected under similar rationale.
15. **Regarding dependent claim 24,** it is an apparatus that executes the method of claim 4 and is rejected under similar rationale.

16. **Claims 6 and 16 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Windhouwer, further in view of Claussen, further in view of Massarani, further in view of Imanaka (USPN 5,471,677—filing date 6/24/1993)**

17. **Regarding dependent claim 6**, Windhouwer, Claussen and Massarani fail to disclose a method wherein the index stylesheet specifies attributes of the document that are to be included in the index. However, Imanaka discloses in col. 6, lines 52-64 that indexing should be based on attributes because the use of attributes provides an index that is more useful in retrieval. It would have been obvious to one of ordinary skill in the art at the time of the invention to follow the teachings of Imanaka with respect to attributes to employ a method wherein the index stylesheet specifies attributes of the document that are to be included in the index.

18. **Regarding dependent claim 16,** it is a computer-readable storage medium storing instructions that encode the method of claim 6 and is rejected under similar rationale.

19. **Regarding dependent claim 26,** it is an apparatus that executes the method of claim 6 and is rejected under similar rationale.

20. **Claims 7 and 17 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Windhouwer, further in view of Claussen, further in view of Massarani**

21. **Regarding dependent claim 7,** Windhouwer, Claussen and Massarani fail to disclose a method further comprising receiving a plurality of additional documents to be index and creating indexes for the plurality of additional documents using the index stylesheet. However, it was notoriously well known to one of ordinary skill in the art at the time of the invention that if one has a process for performing a document processing task once,

one may perform it repeatedly on plurality of documents in order to obtain its benefits for the entire set of documents. It would have been obvious to one of ordinary skill in the art at the time of the invention to repeatedly index a set of documents in order to obtain the benefits of the indexing for the entire set of documents, and thereby arrive at a method further comprising receiving a plurality of additional documents to be index and creating indexes for the plurality of additional documents using the index stylesheet.

22. **Regarding dependent claim 17,** it is a computer-readable storage medium storing instructions that encode the method of claim 7 and is rejected under similar rationale.

23. **Regarding dependent claim 27,** it is an apparatus that executes the method of claim 7 and is rejected under similar rationale.

24. **Claims 8 and 18 and 28 remain rejected under 35 U.S.C. 103(a) as being over Windhouwer, further in view of Claussen, further in view of Massarani, further in view of Messely et al. (USPN 6,076,051—filing date 3/7/1997), hereinafter Messerly**

25. **Regarding dependent claim 8,** Windhouwer, Claussen and Massarani fail to disclose a method wherein creating the index for the document involves tokenizing the document by partitioning text within the document into individual meaning-carrying units of text. However, Messerly discloses on col. 1, lines 19-25 that tokenizing is a customary part of indexing because it is necessary to create an index mapping. It would have been obvious to one of ordinary skill in the art at the time of the invention to use the teachings of Messerly and carry of tokenization because it is necessary to create an index mapping, thereby resulting in a method wherein creating the index for the document involves

tokenizing the document by partitioning text within the document into individual meaning-carrying units of text.

26. **Regarding dependent claim 18,** it is a computer-readable storage medium storing instructions that encode the method of claim 8 and is rejected under similar rationale.

27. **Regarding dependent claim 28,** it is an apparatus that executes the method of claim 8 and is rejected under similar rationale.

28. **Claims 9 and 19 and 29 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Windhouwer, further in view of Claussen, further in view of Massarani, further in view of Swift (USPN 5,710,978—filing date 5/25/1995)**

29. **Regarding dependent claim 9,** Windhouwer, Claussen and Massarani fail to disclose a method further comparision prior to receiving the document, downloading and parsing an index configuration file, the index configuration file specifying the index stylesheet to be used in creating the index. However, Swift in col. 6, lines 50-67 and col. 7, lines 1-5 describes how a configuration file (col. 6, line 58) is used to determine what VCM to use in an indexing process in order to allow the indexing to proceed successfully. It would have been an analogous situation to use a configuration file to help aid in deciding which indexing stylesheet because in both cases a choice needs to be made which indexing agent to use and a configuration file is used to aid in the decision. It would have been obvious to one of ordinary skill in the art at the time of the invention to use Swift's teaching that a configuration file can be used to help choose how to carry out an indexing process and the result would have been a method further comparison prior to receiving

the document, downloading and parsing an index configuration file, the index configuration file specifying the index stylesheet to be used in creating the index.

30. **Regarding dependent claim 19,** it is a computer-readable storage medium storing instructions that encode the method of claim 9 and is rejected under similar rationale.

31. **Regarding dependent claim 29,** it is an apparatus that executes the method of claim 9 and is rejected under similar rationale.

32. **Claims 10 and 20 and 30 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Windhouwer, further in view of Claussen, further in view of Massarani, further in view of Vora et al. (USPN 5,819,273—filing date 4/30/1997), hereinafter Vora**

33. **Regarding dependent claim 10,** Windhouwer, Claussen and Massarani fail to disclose a method where receiving the document includes receiving the document from a client at an indexing server that creates the index for the client. However, Vora, in col. 2, lines 5-9 that servers are typically called upon by clients to index documents to centralize processing in a client/server network. It would have been obvious to one of ordinary skill in the art at the time of the invention to use the teachings of Vora with respect to server indexing to centralize processing in a client/server network and arrive at a method where receiving the document includes receiving the document from a client at an indexing server that creates the index for the client.

34. **Regarding dependent claim 20,** it is a computer-readable storage medium storing instructions that encode the method of claim 10 and is rejected under similar rationale.

35. **Regarding dependent claim 30,** it is an apparatus that executes the method of claim 10 and is rejected under similar rationale.

Response to Amendment

36. Applicant's arguments with respect to claims 1-4, 6-14, 16-24, and 26-30 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

USPN 6,587,547 B1 (filing date 12/7/1999)—Zirngibl et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan D. Schlaifer whose telephone number is 703-305-9777. The examiner can normally be reached on 8:30-5:00, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 703-308-5186. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JS

STEPHEN S. HONG
PRIMARY EXAMINER